

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

CHARLENE CARTER, Plaintiff, v. SOUTHWEST AIRLINES CO., AND TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556, Defendants.	Civil Case No. 3:17-cv-02278-X
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**[Proposed] Order Granting Plaintiff Charlene Carter’s Motion
to Find Southwest Airlines Co. in Contempt for Violating
the Court’s December 5, 2022 Order and for Further Relief**

Before the Court is Plaintiff Charlene Carter’s Motion to Find Southwest Airlines Co. in Contempt for Violating the Court’s December 5, 2022 Order and for Further Relief. After considering the Motion, the Court finds that Plaintiff’s motion should be granted.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Find Southwest Airlines Co. in Contempt for Violating the Court’s December 5, 2022 Order and for Further Relief is hereby GRANTED. The Court hereby ORDERS Southwest to email the following notice to all Southwest flight attendants to correct its defective December 20, 2022 “Recent Court Decision” notice:

On December 20, 2022, Southwest’s Legal Department issued an email to all flight attendants entitled “Recent Court Decision” regarding a federal court decision by the United States Court for the Northern District of Texas whereby the Court entered judgment against Southwest and Transport Workers Union, Local 556 after a jury found that they discriminated against Charlene Carter for her religious practices and beliefs. Among other things, the Court entered injunctive relief against Southwest and TWU Local 556, which prohibits them from discriminating against Southwest flight attendants for their religious practices and beliefs, and from failing to reasonably accommodate Southwest flight attendants’ sincerely held religious beliefs, practices, and observances.

*Southwest Legal Department's December 20 email misstated the Court's order and contained the misleading statement that "Southwest **does not** discriminate against our Employees, for their religious practices and beliefs." In fact, as recognized by the Court, "A jury found that Southwest Airlines Co. ... discriminated against Charlene Carter for her protected speech about religion and unions."*

*As we should have done previously, Southwest's Legal Department issues this corrected notice to inform you that, under Title VII of the Civil Rights Act, which prohibits employment discrimination based on religion, Southwest **may not** discriminate against Southwest flight attendants for their religious practices and beliefs, including—but not limited to—those expressed on social media and those concerning abortion. Southwest's Legal Department apologizes for misrepresenting the Court decision and jury verdict in its prior statement on December 20, 2022.*

The Court hereby ORDERS Southwest to send the following message to all Southwest flight attendants by email and to their work iPads to correct its defective December 20, 2022 "Inflight Info On The Go" ("IIOTG") Memo:

On December 20, 2022, Southwest sent inflight operations employees an "Inflight Info on the Go" news memo entitled "Recent Court Decision" regarding a federal court decision by the United States Court for the Northern District of Texas whereby that court entered judgment against Southwest and Transport Workers Union, Local 556 after a jury found that they discriminated against Charlene Carter's religious practices and beliefs.

Southwest's legal department made a number of statements in the memo that improperly chill and restrain employees' religious beliefs and expression in a manner that is inconsistent with the district court's order. First, Southwest wishes to make clear that, pursuant to the Court's December 5, 2022 order, the company may not discriminate against you for your sincerely-held religious practices and beliefs, including—but not limited to—those expressed on social media and those concerning abortion. Nothing in that memo should be construed as tolerating discrimination based on your sincerely held religious beliefs and practices, whether under Southwest's social media policies or otherwise. Second, Southwest wishes to make clear that, pursuant to the Court's December 5, 2022 order, the employee's expression of objections to union expenditures on social media and at issue in that decision did not create unnecessary tension in the workplace and did not cross the boundaries of unacceptable behavior

The Court further ORDERS Southwest to show cause as to why the company and responsible counsel and officials should not be held in contempt of Court for intentionally causing the

company's violations of the Court's orders. The Court schedules a show cause evidentiary hearing for _____ at which all persons identified in response to Paragraph 1 below must be present, regarding why Southwest and responsible counsel and officials should not be subject to monetary and other sanctions for intentionally violating the Court's December 5, 2022 order. The Court ORDERS Southwest to:

1. Identify for the Court and Carter's counsel, within _____ days of this order, all persons involved in crafting or approving the Recent Court Decision notice or the IIOTG Memo, whether employees, attorneys or other persons;
2. Produce, within _____ days of this order, all communications relating to the Recent Court Decision notice and the IIOTG Memo to Carter's counsel, and a privilege log as to any communications for which a privilege is asserted; and
3. Provide, within _____ days of this order, all drafts of the Recent Court Decision notice and the IIOTG Memo to Carter's counsel, and a privilege log as to any communications for which a privilege is asserted.

SIGNED on _____, 202_.

Brantley Starr
United States District Judge